

**PINEVILLE MUNICIPAL FIRE AND POLICE
CIVIL SERVICE BOARD RULES**

RULE I

MEETING OF THE BOARD:

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairperson or as provided in Act 282 of 1964, hereinafter referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held at Pineville City Hall Council Chambers.
- SECTION 3: Notice of regular meetings shall be given by posting such notice in the city hall or at the building in which the meeting is to be held, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state whether the meeting is regular or special, and shall include the date, time, place, and agenda of the meeting, provided that upon approval of two-thirds of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.
- SECTION 4: Special meetings of the board will be held only upon call of the chairperson, or in such absence the vice-chairperson, or as provided by the Civil Service Act.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4.1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings. Special meetings may be held upon twenty-four hour notice, as provided by law.
- SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS:

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except by agreement of two-thirds of the board members, other matters may be considered.

RULE III

ORDER OF BUSINESS:

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings.
3. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS:

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by two-thirds vote of those present when considering those matters which may be discussed under provisions of Revised Statute 42:6.1, (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions will be conducted **only** upon return to public meeting.

RULE V**APPLICATION FOR APPEALS AND HEARINGS:**

- SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Act may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other requests for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairperson of the board or the board official so designated to receive such applications.
- SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such written notice is given.
- SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI**PROCEDURE ON APPEALS:** (Revised Statute 33:2561)

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be required, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness.

- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex, or race.
- SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts.
The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.
- SECTION 5: The board may, on request of any party or on its own motion, place witnesses other than parties under the rule of the board and thus exclude them from the hearing room.
- SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order, to the board, in writing at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. For all off duty personnel, a \$40.00 charge will be paid by the person requesting the subpoenas. For all on duty personnel, the first four subpoenas will be of no charge to the issuer and after four, there will be a \$40.00 fee.
- SECTION 7: The written rules, regulations, and procedures of the civil service board and the Civil Service Act will be the basis of all hearings and appeals.

RULE VII

DISMISSAL OF APPEALS:

- SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII**TRANSCRIPTS OF HEARINGS:**

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original of the transcript shall be filed with the board and shall become part of the permanent record of any subsequent appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE IX**OTHER HEARINGS:**

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Act in general.

RULE X**APPLICATION FOR ADMISSION TO TEST:**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.

- SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.
- SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act and the qualification requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.
- SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairperson shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES:

- SECTION 1: One copy of the board rules shall be distributed to each board member, governing body one copy, Police Chief and Fire Chief one copy each, and police and fire station bulletin boards one copy each.
- SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII

LEAVES OF ABSENCE, HOLIDAYS, AND BOARD RULES:

- SECTION 1: Leaves of Absence--Police and Fire
- A. Leaves of absence are classified as follows:
1. Leave of absence with pay
 2. Leave of absence without pay
 3. Absence without leave and pay
 4. Administrative leave - The appointing authority may grant administrative leave with pay for periods not to

exceed thirty (30) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage in order for the appointing authority to conduct an investigation concerning the conduct of the employee. This period may not be extended beyond thirty (30) days without approval of the civil service board.

B. Sick leave:

1. Each employee of the classified service shall be entitled to and given, with full pay, sick leave aggregating not less than fifty-two (52) weeks during any calendar year for any sickness or injury or incapacity not brought about by his/her own negligence or culpable indiscretion. Any employee of the classified service who draws such full pay during sick leave shall have such pay decreased by the amount of workman's compensation benefits actually received by such employee. Classification of leave of absence for the aforementioned will be "Leave of Absence With Pay."
2. Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be the basis for disciplinary action which could include termination.
3. When an employee of the classified service is ill and cannot report for duty, it is the employee's responsibility to notify the supervisor or designated representative of the chief of the department not later than one (1) hour prior to the start of the assigned duty period. Failure to notify, as indicated above, will result in the forfeit of pay, as it is classified as "absent without leave and pay" and may result in additional disciplinary action.
4. Sick leave is applicable to maternity claims. Maternity leave commences when

a doctor certifies that the employee cannot perform all of the duties of her position and light duty within her classification is not available.

5. No cash payment may be made for accumulated sick leave. Should any illness last longer than three (3) consecutive calendar days, the employee is required to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness over three (3) consecutive calendar days, the employee will be classified as "absent without leave and pay." Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any other time, he/she may be required to submit a doctor's certificate should the absence be for only one (1) calendar day.

C. Funeral Leave

1. An employee's immediate family is defined to consist of members of the employee's actual household, parents of employee or spouse, sons and daughters of the employee or spouse, sisters and brothers of the employee or spouse, grandparents of the employee or spouse, grandchildren, the husband or wife of the employee or spouse's brothers or sisters, and the husband or wife of the employee's or spouse's sons or daughters.
2. Funeral leave in the event of an immediate family death shall be authorized without loss of pay or leave time up to three (3) days, where warranted, except in extenuating circumstances endorsed by the employee's chief.
3. If an employee of the classified service has a death in his/her immediate family and cannot report for duty, it is his/her responsibility to notify the supervisor or the person

designated by the chief of the department not later than two (2) hours before he is scheduled to report to duty.

D. Examinations

Each employee of the classified service shall be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class that they hold provisionally.

E. Civil Leave

Absence because of jury duty is "leave of absence with pay." However, the jury notice must be presented to the chief of the department or to the person designated by the chief to receive such notice at least five (5) days in advance of such jury duty. An employee shall be granted leave of absence with pay when performing jury duty, or when subpoenaed to appear before a court, public body, or commission, on departmental business, or when performing emergency or civilian duty in connection with national defense. The city will pay the difference between pay earned for the special duty and the employee's regular pay from the city.

F. City, District Court or Civil Service Board Attendance

Attendance in city or district court **on departmental business** is with pay provided that the attendance is ordered by subpoena or other court order. Any monies received from such court attendance shall be deducted from employee's regular pay. Should any employee of the classified service be required to be in attendance in court **on departmental business**, on his/her off time, such time shall be compensated at his/her normal rate of pay.

Each member of the classified service must present to the chief of the department or the person designated by him, any such notice to appear in court at least five (5) days in advance of such court attendance. Copy of such notice shall also be sent to the board.

Each departmental member of the civil

service board shall be granted leave of absence with pay for the duration of any civil service board meeting which the employee representative attends, or for any time required to assist with civil service examinations, or other official business of the civil service board.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay or vacation leave time when performing emergency military duty or participating in the two-week annual training duty required by membership in a reserve unit of the United States Armed Forces or the Louisiana National Guard, for a maximum of fifteen (15) days as provided by Revised Statute 42:394. Each member of the classified service shall give such notice of ordered duty at least thirty (30) days in advance to the chief of the department and this board, if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

H. Military Leave without Pay

Any member of the classified service called into the Armed Forces, will be carried on military leave without pay until he returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave to which he is entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in Section G. Should the employee have used all leave to which he

is entitled (in Section G), he shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

J. Annual Leave - Fire and Police

1. Each full-time employee of the classified service after having served one year, shall be entitled to an annual vacation. Vacation will be earned according to Vacation Leave Schedule. Vacations will be taken from anniversary date to anniversary date. The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause, nor may any cash payment be made in lieu of vacation.
2. Vacations will be scheduled and taken according to each department's policy set by the Chief and approved by the Appointing Authority.
3. All employee vacation schedules must be approved by the Chief at least two (2) weeks before any vacation is to begin. Employees with the greatest departmental seniority will have priority on the scheduling; however, the appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in Revised Statute 33:2557.

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VACATION LEAVE SCHEDULE**POLICE DEPARTMENT**After one years service:

8 - hour employees	3 weeks	15 shifts
12 - hour employees	3 weeks	10 shifts

After seven years service:

8 - hour employees	4 weeks	20 shifts
12 - hour employees	4 weeks	14 shifts

After fifteen years service:

8 - hour employees	5 weeks	25 shifts
12 - hour employees	5 weeks	18 shifts

FIRE DEPARTMENT8-hour Employees:

Year 1 thru year 6	18 working shifts
After 7 thru year 12	20 working shifts (4 weeks)
After 13 years	21 working shifts
After 14 years	22 working shifts
After 15 years	25 working shifts (5 weeks)

24-hour Employees:

After one years service:		
3 weeks		7 shifts
After seven years service:	4 weeks	10 shifts
A f t e r	f i f t e e n	y e a r s
5 weeks		s e r v i c e :
		12 shifts

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K. Holiday Rules

1. All 7 (A) employees shall receive all holidays observed by the City of Pineville and the Appointing Authority on the date observed.

2. Holidays

- A. All 7 (K) employees shall receive the following holidays as set forth by the Appointing Authority:

1. New Years Day
 2. Martin L. King
 3. Presidents Day
 4. Good Friday
 5. Memorial Day
 6. Independence Day
 7. Labor Day
 8. Veterans Day
 9. Thanksgiving Day
 10. Christmas Day
 11. Floating Holiday

- B. These days are to be scheduled for the upcoming year and must be taken during the year they are accrued. These days cannot be carried over unless approved by the Appointing Authority.

3. Holidays While on Vacation

When a recognized holiday is observed within a 7 (A) employee's vacation period, the employee will be granted an extra day's vacation with pay.

4. Holidays While on Sick Leave

- A. If any employee 7 (A) or 7 (K) is sick on a holiday or scheduled holiday, no extra compensation shall be given to make up for the lost holiday.

- B. If any employee 7 (A) or 7 (K) is on extended sick leave, any observed or designated holidays that fall during that time shall be lost and unrecoverable. 7 (K) employee's shall deduct 1 day for each holiday that falls in their extended sick leave.

5. No employee 7 (A) or 7 (K) shall be compensated with pay for holidays accrued.
6. It is understood that the determination of work requirements on holidays is solely the responsibility of the Appointing Authority.
7. Definitions
 - A. 7 (A) - 40 hour employees (Chief's, Dispatchers, Records, Detectives, etc.)
 - B. 7 (K) - 10, 12, or 24 hour employees (Line Police Officers, Line Firefighters, etc.)

L. Special Leave - Seniority

If an employee has exhausted all annual leave, he/she may apply and be granted special leave without pay up to thirty (30) days by the appointing authority when such leave would be in the departmental interest. Any special leave, with or without pay, exceeding thirty (30) days must first be approved by the civil service board and if approval is granted the board will determine, at that time, if departmental seniority is to be interrupted or continued.

M. Leave for Specialized Disaster Service Volunteer

1. Any employee who is a trained disaster volunteer of the American Red Cross may be granted leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve (12) month period, to participate in specialized disaster relief services for disasters designated at Level III or above in the American Red Cross Regulations and Procedures.
2. Leave may be granted upon written request of the employee to the appointing authority which shall include certification of the employee

as a trained American Red Cross disaster volunteer, the nature and location of the disaster, anticipated duration of the leave, nature of services required, certification by an official of the American Red Cross that the employee's services are needed, and the identity and title of the official of the American Red Cross to whom the employee is to report.

N. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

O. Expiration of Leave

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to have resigned from the departmental service on the calendar day following leave expiration.

RULE XIII

Employee Rights

For the purposes of this section, the term employee shall apply to any person that is employed by the City of Pineville Police Department having full time status and being a classified employee of the Louisiana Fire and Police Civil Service System.

The purpose of this section is to guarantee rights of the employees during an administrative investigation of that employee for any allegation which could lead to discipline.

The basis of this rule has been established in the Louisiana Police Officer and Louisiana Fire Fighter Bill of Rights as written March 2009 and through Court Decisions and statutes enacted by the Louisiana Legislature.

The rights contained herein are designed to protect the rights of the employee and will form the foundation of protection for said employees along with any future additions and amendments to the Louisiana Police Officers Bill of Rights (R.S. 40:2531), so as long that the amendments do not decrease the rights that the Pineville Fire and Police Civil Service Board have given to employees as set forth below.

The Rights of employees are as follows:

1. Whenever an employee is under investigation, the following minimum standards shall apply:
2. Any interrogation of an employee in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such employee.
3. All interrogations of any employee in connection with the investigation shall be recorded in full. The employee shall not be prohibited from obtaining a copy of the recording or transcript of the recording of his statements upon his written request.
4. The employee being questioned, whether as a target or as a witness in an administrative investigation, shall have the right to be represented by counsel, other representative, or both, of the employee's choice.
5. The employee shall be granted up to thirty days to secure such representation, during which time all questioning shall be suspended.
6. The employee's representative or counsel shall be allowed to offer advice to the employee or officer and make statements on the record regarding any question asked of the employee or officer at any interrogation, interview, or hearing in the course of the investigation.
7. No statement made by the employee during the course of an administrative investigation shall be admissible in a criminal proceeding.
8. When a formal and written complaint is made against any employee, the superintendent of state police or the chief of police or his authorized representative shall initiate an investigation within fourteen days of the date the complaint is made. Except as otherwise provided in this Paragraph, each investigation of an employee,

which is conducted under the provisions of this part, shall be completed within sixty days. However, in each municipality, which is subject to a Municipal Fire and Police Civil Service Law, the municipal police department may petition the Municipal Fire and Police Civil Service Board for an extension of the time within which to complete the investigation. The board shall set the matter for hearing and shall provide notice of the hearing to the employee who is under investigation. The employee who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the board finds that the municipal police department has shown good cause for the granting of an extension of time within which to complete the investigation, the board shall grant an extension of up to sixty days. Nothing contained in this Paragraph shall be construed to prohibit the employee under investigation and the appointing authority from entering into a written agreement extending the investigation for up to an additional sixty days. The investigation shall be considered complete upon notice to the employee under investigation of a pre-disciplinary hearing or a determination of an unfounded or unsustained complaint. Further, nothing in this Paragraph shall limit any investigation of alleged criminal activity.

9. There shall be no discipline, demotion, dismissal, or adverse action of any sort taken against an employee unless the investigation is conducted in accordance with the minimum standards provided for in this Section. Any discipline, demotion, dismissal, or adverse action of any sort whatsoever taken against an employee without complete compliance with the foregoing minimum standards is an absolute nullity.

RULE XIV

EMPLOYEE RIGHTS

For purposes of this section, the term employee shall apply to any person that is employed by the City of Pineville Fire Department having full time status and being a classified employee of the Louisiana Fire and Police Civil Service System.

The purpose of this section is to guarantee rights of the employees during an administrative investigation of that employee for any allegation which could lead to discipline.

The basis of this rule has been established in the Louisiana Fire Fighter Bill of Rights as written March 2009 and through Court Decisions and statutes enacted by the Louisiana Legislature.

The rights contained herein are designed to protect the rights of the employee and will form the foundation of protection for said employees along with any future additions and amendments to Louisiana Fire Fighters Bill of Rights (R.S. 33:2012) and subsequent sections, so as long that the amendments do not decrease the rights that the Pineville Fire and Police Civil Service Board have given to the employees as set forth below.

The Rights of employees are as follows:

1. The fire employee being investigated shall be informed, at the commencement of interrogation, of the nature of the investigation, of the identity and authority of the person conducting such investigation, and of the identity of all persons present during such interrogation. The fire employee shall be allowed to make notes.
2. Any interrogation of a fire employee in connection with an investigation shall be for a reasonable period of time and shall allow for reasonable periods for the rest and personal necessities of such fire employee.
3. All interrogations of any fire employee in connection with the investigation shall be recorded in full. The fire employee shall not be prohibited from obtaining a copy of the recording or transcript of the recording of his or her statements, upon request.
4. The fire employee shall be entitled to the presence of his or her counsel or representative, or both, at the interrogation in connection with the investigation.
5. The counsel or representative for the fire employee under investigation may call witnesses to testify on the employee's behalf.
6. No statement made by a fire employee during the course of an administrative investigation shall be admissible in a criminal proceeding.
7. No fire employee shall be disciplined, demoted, dismissed or be subject to any adverse action unless the investigation is conducted in accordance with this Subpart. Any discipline, demotion, dismissal or adverse action of any sort taken against a fire employee without complete

compliance with the provisions of this Subpart is an absolute nullity.

8. Any investigation of a fire employee which is conducted pursuant to this Subpart shall be completed within sixty days, including the conducting of any pre-disciplinary hearing or conference. However, in each political subdivision which is governed by R.S. 33:2471 et seq., the Municipal Fire and Police Civil Service Law or R.S. 33:2531 et seq., for Small Municipalities and for Parishes and Fire Protection Districts, the fire department may petition the local governing authority for an extension of the time within which to complete the investigation. The governing authority shall set the matter for hearing and shall provide notice of the hearing to the fire employee who is under investigation. The fire employee who is under investigation shall have the right to attend the hearing and to present evidence and arguments against the extension. If the governing authority finds that the fire department has shown good cause for the granting of an extension of time within which to complete the investigation, it shall grant an extension of up to sixty days. Nothing in this Section shall limit any investigation of alleged criminal activity. Further, nothing herein shall affect any investigatory procedures collectively bargained in any jurisdiction.

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